

## **REMARKS**

Upon entry of the foregoing Amendment, claims 1-31 are pending in the present application. Claims 1, 3, 4, 8-11, 18-21, 24, and 26-28 are amended. No claims are added or cancelled. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

### ***Rejections Under 35 U.S.C. § 102 Based on Kekic***

The Examiner has rejected claims 1-11 and 18-28 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,272,537 to Kekic *et al.* (hereinafter "Kekic"). Applicants traverse this rejection for at least the reason that Faulkner does not disclose all of the features of the claimed invention. However, solely in an effort to expedite prosecution, some of these claims have been amended to clarify various aspects of the claimed invention.

### ***CLAIMS 1-3, and 24-26***

For example, claim 1 has been amended to include, among other things, the features of "extracting, via the software agent, dependency data from the configuration data, the dependency data specifying dependency relationships between the first networked resource and one or more other networked resources, and populating a repository with the dependency data, wherein the repository is stored separate from other configuration data collected by the software agent." Independent claim 24 include similar features.

The Examiner alleges that in Kekic network resources are described by a Management Information Base (hereinafter "MIB") for each network resource, and that the information stored in these MIBs is analogous to dependency data. See, e.g., the 11/14/2005 Office Action at page 2. Even if it is conceded that the MIBs contain dependency information along with other configuration data about the network resources, Kekic still does not disclose the claimed feature. For instance, the cited portions of Kekic do not disclose software agents that execute on the network

resources that extract the dependency information from the other information stored in the MIBs. Since the sections of Kekic relied on by the Examiner are silent regarding the extraction of dependency data from the MIBs, these sections also fail to disclose a repository that is populated with the extracted dependency data and stored separately from other configuration data (e.g., other configuration data included in the MIBs). For at least these reasons, the rejection of claims 1 and 24 based on Kekic is improper and should be withdrawn.

Further, claims 2, 3, 25, and 26 depend from corresponding ones of claims 1 and 24. Accordingly, the rejection of claims 2, 3, 25, and 26 based on Kekic are improper and should be withdrawn, based on the dependency of these claims as well as for the features that they recite individually. For example, claims 2 and 25 include the feature of the repository being stored on the first networked resource. As another example, claims 3 and 26 include the feature of storing the dependency data in a repository centralized within a distributed systems management environment, wherein the centralized repository is stored in the distributed systems management environment separately from other configuration data associated with the plurality of networked resources. At least these features recited within claims 2, 3, 25, and 26 are not disclosed by the cited passages of Kekic.

#### *CLAIMS 4-8 AND 27*

As another example, claim 4 has been amended to include the feature of "generating a table that includes the extracted dependency data, wherein the table is stored separate from other configuration data associated with the first managed device that has been collected by the agent; and offering access to the table, the access being offered via a dependency interface for a distributed systems management protocol on the agent." Independent claim 27 includes similar features.

As was addressed above, the sections of Kekic referenced by the Examiner are silent with respect to dependency data that is stored separately from other configuration data. Thus, Kekic does not disclose (1) a table including dependency data that is stored separate from other configuration data, and/or (2) offering access to the table via

a dependency interface as recited in claims 4 and 27. For at least these reasons, the rejection of claims 4 and 27 based on Kekic is improper and should be withdrawn. Further, claims 5-8 depend from claim 4. Accordingly, the rejection of claims 5-8 based on Kekic is improper and should be withdrawn, based on the dependency of these claims as well as for the features that they recite individually.

#### *CLAIMS 9-11 AND 28*

As yet another example, independent claim 9 has been amended to recite the features of "starting a second agent to monitor the second device based on the dependency data gathered by the first agent, wherein the second agent executes on the second device." Independent claim 28 includes similar features.

The Examiner alleges that Kekic discloses these features at column 13, line 60 – column 14, line 6. This section of Kekic reads as follows:

Managed element server 314 and managed element client 391 are platform independent computer processes and can be executed on any computer platform that supports the platform independent computer language in which server 314 and client 391 are written. This is particularly advantageous because it is unnecessary to write a different version of the client 391 and server 314 for each of the different computing platforms found on heterogeneous computer network 300. In one embodiment, client 391 and server 314 are written in the JAVA programming language, and are able to take advantage of the languages' inherent simplicity, flexibility, robustness, security, and other object-oriented technology strengths, as described more completely below.

At best, this section of Kekic describes computer processes that are somewhat platform independent. This passage is not even relevant to the initiation of an agent on one device based on dependency information extracted by another agent executing on another device. For at least this reason the rejection of claims 9 and 28 based on Kekic is improper and should be withdrawn. Further, claims 10 and 11 depend from claim 8. Accordingly, the rejection of claims 10 and 11 based on Kekic is improper and should be withdrawn, based on the dependency of these claims as well as for the features that they recite individually.

*CLAIMS 18-21*

As yet another example, independent claim 18 has been amended to include the feature “of extracting, via the plurality of software agents, dependency data from the gathered configuration data, the dependency data including data specifying dependency relationships between the networked resources; and adding at least a portion of the dependency data to a central repository managed by a manager application, wherein the portion of the dependency data added to the central repository is stored in the central repository separately from other configuration data.” As has been discussed above, the sections of Kekic relied on by the Examiner are silent with respect to extracting dependency data from the MIBs discussed in Kekic and/or dependency data that is stored separately from other configuration data stored in the MIBs. Therefore, Kekic does not disclose (1) software agents that extract dependency data from gathered configuration data and/or (2) a central repository that includes extracted dependency data and is stored separately from other configuration data. For at least this reason, the rejection of claim 18 based on Kekic is improper and should be withdrawn. Further, claims 19-21 depend from claim 18. Accordingly, the rejection of claims 19-21 based on Kekic is improper and should be withdrawn, based on the dependency of these claims as well as for the features that they recite individually.

***Rejections Under 35 U.S.C. § 103 Based on Kekic and Perttunen***

The Examiner has rejected claims 12-17 and 29-31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,359,635 to Perttunen (hereinafter “Perttunen”) in view of Kekic. Applicants traverse these rejections at least on the grounds that (1) the cited references do not teach or suggest all of the features of the claimed invention, and/or (2) there is no legally proper motivation for combining the cited references.

For example, independent claim 12 includes the features of displaying a non-root managed device having a dependency relationship with the root managed device, where the dependency relationship has a length of at least one, the displaying including indenting the representation of the non-root managed device a predetermined distance

away from the border, greater than the root distance and dependent upon the length. Independent claim 29 includes similar features, among other things.

The Examiner acknowledges that Perttunen does not teach or suggest this features. The Examiner alleges that this feature is shown in Kekic as element 305 of FIG. 37A. See, e.g., the 11/14/2005 Office Action at pages 8 and 9. However, element 305 merely appears to show a hierarchical “pull-down” menu of network resources. FIG. 37A does not depict the indentation of an item in the hierarchical pull-down menu as being indented from a border of the menu by a distance that is dependent on the length of a dependency relationship between the item and the root node of the menu. For at least this reason the rejection of claims 12 and 29 are improper and should be withdrawn.

Even if the cited drawing in Kekic were analogous to the claimed invention, the rejection would still be improper because there is no legally proper motivation for combining Kekic with Perttunen. The Examiner contends that the combination would have been motivated by the following considerations:

[I]n order to provide a new capability for creating a managed element template, called an element manager, for a management-enabled computer network element, such as a bridge, a workstation, or perhaps, a computer software application that is executing a computer system connected to the network. The 11/14/2005 Office Action at page 9.

This motivation is improper because it does not provide a motivation for actually making the proposed combination. Instead, it appears that the Examiner has produced the alleged motivation by simply pulling an arbitrary quotation from the disclosure of Kekic that describes a feature of the system of Kekic as a whole, and not an advantage of the system provided by element 305 in FIG. 37A. In other words, the passage of Kekic relied on by the Examiner (col. 5, lines 25-39) does not appear to relate to element 305 in FIG. 37A in any meaningful way, much less provide a motivation for combining the features of FIG. 37A with Perttunen. As a result, the motivational statement provided by the Examiner is improper because it does not include a specific teaching of the desirability of the proposed combination. See, e.g., *In re Sang Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed.Cir. 2002). As a result, the motivational statement included in

the 1/18/2006 Office Action amounts to impermissible "hindsight." See *id.* For at least this reason the rejection of claims 12 and 29 is improper and must be withdrawn.

Further, claims 13-17, 30 and 31 depend from corresponding ones of claims 12 and 29. Therefore, for at least the reasons provided above, the rejection of these claims based on Kekic and Perttunen is improper and should be withdrawn, based on the dependency of these claims as well as for the features that they include individually.

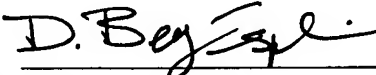
## CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

  
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